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SPEECH

OF THE

HON. J. McPHERSON BERRIEN, OF GEORGIA,

ON

THE OREGON QUESTION:

DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH 17, 1846.

Mr. BERRIEN rose and addressed the Senate as follows:

Mr. PRESIDENT: I am glad that it has fallen to my lot to participate in this debate, at a moment when the cloud which lowered upon its opening has passed away, and a brightening horizon more distinctly develops the objects around us. Time, reflection, and intervening events, have united to give us a clearer view of our position; I trust, also, a more accurate perception of our duties. I avail myself of the moment to express, as briefly as I may, the impression which this subject has made upon my mind.

The resolution under consideration is responsive to a call made by the President of the United States, in his annual message to Congress. Its purpose is to give effect to the recommendation of the President. The nature and character of the measure which the resolution proposes to us are, therefore, to be determined by looking to the message which calls for it. Now, sir, the purpose of the President, in asking from Congress an authority to notify to the British Government our determination to annul the convention of 1818, is distinctly announced in his message to be the peaceable or forcible assertion, as the occasion may require, of our title to the whole of what has been denominated in this debate the territory of Oregon. The measure which it proposes, the consequences to which it will probably lead, involve all the great interests of twenty millions of people, which, within the sphere of our constitutional powers and duties, are committed to our protection. This measure, thus originating in the Congress of the United States, may disturb the peace of the world. On such a subject, all mere declamation is obviously out of place. Excited appeals to our sense of national honor and to our patriotism, exaggerated descriptions of the arrogance and impotence of Great Britain, and glowing representations of our own prowess, seem to me alike inappropriate to the place and to the occasion. The attempt is merely vain, to influence the conduct of any man who has mind enough to form his own judgment, and "nerve" enough to do its bidding, by appeals of this description. Why, sir, who is insensible to the calls of *national honor*? Who does not know, and regret, that it may sometimes be necessary to vindicate the honor of the nation on the battle-field? Who does not know, and rejoice, that a bloody hand is not the only symbol of a nation's honor? And *patriotism*—truly, sir, patriotism is a virtue which it behooves freemen especially to cherish. But what American Senator, what American citizen, requires to be reminded of this duty? The *arrogance* of Great Britain! For aught I know, sir, arrogance may be characteristic of the Anglo-Saxon. I quarrel with no man who asserts that it is so, and yet, speaking for myself, I would be ashamed to say that I had found any exhibition of this feeling in the recent correspondence of the British Plenipotentiary. The future *impotence* of the British Government is a subject for the speculations of the political philosophers, who see, or think they see, sown broadcast in her extended empire, and separated dependencies, the seeds of her dissolution. But how do these speculations, whether they be founded in reason, or are merely visionary, affect the question before us? We know, unless we close our eyes to facts which are obvious to all the world beside, that Great Britain is at this moment in the fulness of her

strength, and prepared to inflict a blow which it will require all our energy to repel. With a view to our decision of this question, that is all which it concerns us to know. And our own *prowess*—we, it is said, need not fear the conflict. We are prepared, or can be so on the instant, to win the triumphs which await us. God forbid that I should depreciate the valor of my countrymen; but if we are to enter into this conflict, if Great Britain is once more to become our adversary on the battle-field, I trust we shall not rely upon her impotence, but prepare to meet “a strong man armed.” And, lest we should prove ourselves capable rather to endure blows than to inflict them, I hope we shall not calculate too largely on our own undeveloped energies—on our capacity to “extract sun-beams from cucumbers, of which the process is difficult,” or, what is equivalent to it, to make men-of-war out of packet-ships.

I will be pardoned for saying, for it is the honest conviction of my judgment, that these topics do not belong to the discussion of a grave question like that which is presented to our consideration. Since the commencement of the present session of Congress, the American people have been startled by the intelligence that they were on the eve of war. In the excited debates which have occurred here and elsewhere, they have had ample ground for apprehension. If now it is temporarily lulled, they still look with anxious solicitude to the Senate of the United States to quiet their apprehensions, by securing the peace of the country, not by declamation, not by inflammatory appeals, but by a calm and dispassionate consideration of the subject, and by such a decision as that consideration will lead us to form.

But the chairman of the Committee on Foreign Relations tells us that the season for this is gone by; that the time for action has arrived; that we stand committed to assert our claim to the whole of Oregon, “peaceably if we may, forcibly if we must.” Speaking of this resolution, he says, “I know this body, and I know that this resolution will pass, and pass easily. I care not what speeches may be made against it, it will pass.” Well, sir, where is it that such a declaration is made? Is this the Senate of the United States, or is the old Parliament of Paris revived in this chamber? Have we really entered upon a merely formal consideration of a question vitally affecting all the great interests of the country? Have we entered upon the consideration of such a question, with a *foregone conclusion*? Is this the humble office which the Senate of the United States has to perform; not to advise, not to deliberate, not to decide, but simply to register a Presidential edict? Is that the office which is allotted to us? Sir, the honorable Senator deceives himself. The minor questions of party may be so arranged, and even in these the attempt is not always successful. But this is not a party question. The resolution submitted by the Senator from Kentucky, (Mr. CRITTENDEN,) the calm and practical argument, at an early stage of the debate, of the Senator from Delaware, (Mr. J. M. CLAYTON,) the position occupied by various Senators on the other side of the chamber, all assure us that the motives by which Senators are actuated on this occasion come from a higher and purer region than that in which mere party dwells.

Mr. ALLEN rose to explain, and Mr. BERRIEN yielding the floor, Mr. ALLEN said: In the speech which I had the honor to deliver in the course of this discussion, I believe there was not one solitary word which had the design or effect of making this a party question—not one solitary syllable; and if that speech has received such a direction, it has not been by my hand. In making the declaration that the resolution would pass, I had no reference to the predominance of one or the other party in the Senate. I spoke from my conviction of what would be the conviction of the Senate when the whole case was laid before its members.

Mr. BERRIEN, in continuation, said, I hear with great pleasure the declaration now made by the honorable Senator. He will excuse me if I have been misled by his declaration heretofore that the resolution would pass, “no matter what speeches were made against it,” no matter what array of facts or of arguments was presented against it, that it would pass. A resolution which no fact, no argument could resist, was not submitted to the deliberate consideration of the Senate. How then was it to be decided? And when the honorable Senator declared that we were committed to the assertion of our title to the whole of Oregon, and so committed by the Baltimore resolutions and by the declarations of the President before and after his elec-

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tion, to whom did he address himself—to the Senate or to his party? But I take at its full value the declaration of the Senator from Ohio, and, speaking for myself, I say this is not a party question, nor a question for party or individual dictation. No man has a right to assume for himself that superiority of moral or intellectual power which entitles him to prescribe a standard by which the nerve or the patriotism of others may be measured. To all pretensions of this sort the answer is simple and emphatic. Look at home—brace your own nerves, cherish your own patriotism, guard the avenues to error in your own bosoms, and be content if, having done this, you can faithfully discharge your own duty, leaving to others their proper responsibility.

I repeat, then, sir, this is a grave question; one which must be met and discussed on its own merits, notwithstanding the publicity of the discussion which has been forced upon us. And here I cannot avoid observing, that if the President of the United States had desired to obtain the advice of the Senate on a question of such importance and delicacy as that we are considering, he had the example of the most illustrious of all his predecessors to point out to him the mode in which the subject referred might have been freed from the embarrassment attending this public discussion. I am not going to debate a constitutional question. The President has chosen to subject the foreign relations of the country to public examination, and I acquiesce in that which is acquiesced in by others. In the various exciting questions which will be presented, while we are, as gentlemen tell us, "fulfilling our destiny" by successive extensions "of the area of freedom," I entertain no vain hope that the various departments of this Government will confine themselves within the limits which the Constitution has assigned to them; that, in its practical operation, it will in this regard realize the expectations of its framers. The signs of the times too clearly indicate that the checks and balances which they thought they had provided, must yield to an external force, falsely denominated the will of the American people; that while we have a Government admirably balanced in the paper monument of our title to the liberties we enjoy, we are to have in fact a Government of popular impulses, excited by political leaders; an irresponsible oligarchy, of which the seat and centre is to be the Congress of the United States; the principles and practices of which are not to be sought in the Constitution, but successively announced to us in the edicts of party conventicles. And already, sir, here, in the Senate of the United States, we have had our first lesson in the resolutions of the Baltimore Convention, formally recited in this Chamber, and urged upon us as a rule of conduct for the President and for a majority of the Senate. For myself, I rejoice that I can say, *non in hæc fœdera*—I have entered into no such bonds.

Well, sir, I take this as I find it. I do not waste your time or my own in useless discussion. The time is not now. I can live under such a Government as well as another, until the American people, awakened to the importance of adhering to the landmarks of the Constitution, shall require their official agents to retrace their steps.

Here is a resolution proposing to us a measure which involves the great interests of the country. The Senate has entertained it, and I will discuss it. But, Senators say no. The inference to be deduced from opinions expressed on this floor is, that this resolution is not open to free and unfettered discussion, especially that the question of title must not be touched, without asserting in its whole extent that of the United States. Sir, I do not so understand my duty; I am called upon to exercise an act of judgment in giving my vote on this resolution, and I have a right to know and to examine the grounds on which I am to rest it. If we are to assert a title, and, if need be, to assert it by force of arms, the strength or the weakness of our title, the extent to which or the limit within which it is right and proper so to do, and the strength and the weakness of our means of asserting it, are necessary elements of the question on which my judgment is to be exercised. Yet I hear it said by the Senator from Delaware, (Mr. J. M. CLAYTON,) and by the Senator from Massachusetts, (Mr. WEBSTER,) in the use of a strong expression,

as it struck me, calculated rather to indicate his reluctance than his determination, that this is not a proper occasion for discussing our title.

Now, sir, no man yields a more willing tribute to the intelligence and forecast of these honorable Senators than I do; and yet I confess my own judgment concurs with the simple yet perspicuous exposition of the duty of a Senator which was given by the Senator from Missouri, who sits nearest to me, (Mr. Atchison.) I pretend not to state his language, but its result. If any Senator doubts the propriety of asserting our claim in the extent in which it is the manifest object of the resolution to assert it, it is both his right and his duty to state his opinion, and the reasons for entertaining it. If, on examination, these are found to be valid, it may be the means of preventing his country from engaging in a war, which would then be not only unnecessary, but also unjust. Happily, my duty will not, in my judgment, require that I should go into a minute examination of the various sources of our title. To the extent to which I consider it necessary for the purpose of presenting my views distinctly to the Senate, I will not hesitate to go, even though denunciation may follow. I would feel that I had indeed lived in vain, if, in the discharge of my duty as an American Senator, I might not speak truth to my countrymen, even in the hearing of an adversary.

Mr. President, this duty has become, in my judgment, more imperative, because the discussions of this subject here and elsewhere have been calculated to produce a false impression on the public mind, to place Senators who cannot concur in the ultra measures which this resolution contemplates in a false position, which they are not bound to preserve in silence.

The claim of the United States to the vast territory which intervenes between the Rocky Mountains and the Pacific, and between the 42d and 40' beyond the 54th parallel of north latitude, is said to be clear, unquestionable, one which cannot be disputed, which may not be further pursued by negotiation, which cannot be compromised, which we will not submit to the arbitration of a friendly tribunal, constituted even as we ourselves might desire it. It is not described to be, as in truth it is, a wilderness, occupied for the most part by savage tribes, which the United States and Great Britain are contesting the priority of right to wrest from them, by claims founded on discovery and actual and prospective settlement; but it is said to be a territory of the United States, part and parcel of the Union—our own soil, not a foot of which can be yielded—to the whole of which, ay, to every inch of it, our title must be asserted instantly, as soon as we can release ourselves from this convention, and, if need be, at the cannon's mouth.

The people of the United States are told that Great Britain has not a scintilla of right to any portion of this territory; that her claim is lawless; that it is pursued in a spirit of arrogance, and must be repelled at whatever cost of treasure or of blood. They are told that it is not a mere question of conflicting rights; that the national honor is involved, and that it must be vindicated or it will be sacrificed.

Now, if these things be true, why does any Senator hesitate? If they are false, why is he silent? Whether true or false, if such impressions can be made upon the public mind, if these representations are accredited, and these opinions are adopted by the American people, the feeling which they will awaken is obvious. That feeling will require from England a prompt abandonment of her claim, or it will demand from us the forcible assertion of our own. War will then be—I adopt the adjective which has been discarded by the Senator from Michigan—war will then be “inevitable.”

In the discharge of our constitutional duty, can we do any thing to avert these consequences? In my judgment, this high office is devolved upon the Senate of the United States.

Our first duty is to divest this subject of the gloss, of the false coloring which has been given to it, which is calculated unduly to excite the feelings of the American people. They are told that the national honor is involved in this controversy; that Great Britain is arrogantly attempting to wrest from us a portion of our own territory, to which our title is “clear and unquestionable.” Strip the subject of this

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unnatural coloring; show how utterly idle and unfounded are these representations; exhibit the true and real question to our countrymen, and they will consider it calmly and decide it justly.

Inquire, in their presence, how the national honor can be involved in settling a question of limits between Great Britain and the United States, in a territory to which, by a treaty of nearly thirty years' standing, we have acknowledged that she had common rights with our own?

And, since it must be so, to save the nation from being plunged into an unholy war, consider for a moment what is this clear and unquestionable title, for the assertion of which all the great interests of the country are to be jeopardized? Happily it is not necessary to bring this into conflict with that of Great Britain. At the hazard of whatever denunciation may follow the declaration, I hesitate not to assert that it is, in my judgment, an utter perversion of language to affirm that either the United States or Great Britain has a clear and unquestionable title to the territory of Oregon. There is no principle of national law, nor any other law, human or divine, which can be applied to the facts of this case, and which will sustain the position that either we or they have such title to that territory. We have claims which, if duly prosecuted, will eventuate in the acquisition of title; and those claims, to the extent to which they are sustained by the facts of the case, and the principles of law which are applicable to those facts, we are bound to assert. Oregon may thus, in process of time, become a territory of the United States: its soil may become our soil; our people may there erect their domestic altars, under the guardianship of our laws and the protection of our flag. Then let him who would intrude beware, whether it be Great Britain or any other Power.

But just now, at the present time, when it is proposed to involve us in a war to sustain it, what is our title, or that of Great Britain, to this vast wilderness, which is yet in the possession of the aboriginal tribes? Why, they and we, and those under whom we claim, have sailed along the coast; have landed here and there; have made occasional settlements; have traded with the natives; have explored a river, and erected buildings on its banks; and this the American people are told has given us an undoubted property in the soil, a clear unquestionable title to the whole territory. Can there be a more absolute perversion, not only of technical language, but of the language of common sense? Why, what are the elements of this title? It is undoubted, clear, and unquestionable; and yet we have neither possession, nor the right of possession, nor the right of property, nor yet jurisdiction.

We have not possession, (I mean exclusive possession, for that of course is necessary to maintain exclusive title.) We have not possession, for our possession is that of Great Britain, and her possession is ours. We have not the right of possession, nor can we acquire it, for the convention forbids it. We have not the right of property; that every body agrees belongs to the aborigines until their title is extinguished.

When we or Great Britain shall have obtained possession, we or they may acquire this title to the soil, by force or fraud, or honest compact, as we or they, choosing between the various precedents in the history of both countries, may adopt the one or the other course. We have not jurisdiction; we have never attempted to exercise it, and for the last eight-and-twenty years have been under a solemn compact not to do so. Now, in the absence of every element of title, or yet of jurisdiction, I protest against the attempt to inflame the minds of our countrymen, by representing this as a contest for our own soil. Sir, it is simply a contest for priority of right to acquire possession and jurisdiction, and thereafter to extinguish the title of the aborigines; for a priority of right to trample upon their rights; and it is for such a privilege that two great commercial, enlightened, and Christian nations are to make war upon each other.

Mr. President, I am not about to deliver to the Senate a homily on aboriginal rights. I know the principle of the law of nations, which is invoked to sustain these claims. I know that, as a consequence of the primeval curse, the earth must be tilled, and that, when necessity requires it, the savage may be made to circumscribe the limits of his chase. And though we have at our very doors, and Great Britain has in her numerous dependencies, millions of acres yet in a state of nature—

majestic forests, in which the sound of the woodman's axe has never yet been heard—that is apart from my present purpose. I desire simply to divest this question of the false glare which has been thrown around it—to strip this controversy of the character which has been given to it, as a contest for our own soil; for a territory which is part and parcel of this Union; as a struggle with a foreign Power which calls us to the defence of our homes and our firesides, of our domestic altars and our household gods; to present it as it is, as a contest for priority of right to acquire a foreign and distant territory; and whether, in pursuing that contest, we shall extend our claim to the whole territory, or, circumscribing our limits, shall leave the residue to be occupied by Great Britain.

It is in this aspect that I desire to present this question to the consideration of the Senate and of the country, as one which ought to be adjusted by compromise, and in the spirit of peace, not by the sword. If it were a question involving the national character or honor, affecting our own soil, any part of this Union, the remotest spot within the limits of the United States, over which the stars and stripes of the Union extend their protective influence, it were vain to speak of compromise. But the question of our priority of right, or that of Great Britain, to acquire the territory of Oregon, in part or in whole, and if in part, what shall be the boundary between us, is one which no principle of honor forbids us from adjusting by compromise, but which every consideration of interest, of duty, and of honor, forbids us from asserting by force, until all proper and recognised means of peaceful adjustment have been tried and exhausted.

And now, sir, having stated my view of the nature of this controversy, for the purpose of showing that its adjustment by compromise is the proper and legitimate mode of settling it, I proceed to show, as I think may be done conclusively, that the past action of our Government renders yet more imperative upon us the obligation so to adjust it; and, for this purpose, I submit to the consideration of the Senate these two propositions, which I will briefly discuss.

1. From the earliest stage of this controversy, down to a very recent period, we have ourselves, and of our own accord, affixed a limit to our claim beyond which we have not denied that of Great Britain.

2. Our several claims, whether derived from France or Spain, from our own discovery, or from contiguity, all concur to recommend the limit adopted by our predecessors, as a general basis on which this controversy may be equitably and honorably adjusted.

Before I proceed to consider the first of these positions, it is necessary to meet an objection made by the Senator from Missouri (Mr. ARCHISON) to the view which I am about to present to the Senate. The honorable Senator contends that these acts of our Government, to which I propose to refer, were *mere offers of compromise*, which, having been rejected, cannot now be urged against the further extension of our claim; and, in support of this opinion, he invokes a rule of evidence applicable to controversies between individuals in the ordinary courts of justice. The rule is correctly stated. It rests upon the principle that a man may be allowed to "buy his peace," or to endeavor to do so, without being concluded by what he may have offered if his pacific overtures fail.

There are two modes of meeting this argument:

1. It is applicable, and applicable only, to controversies before a tribunal competent to decide between the parties before it. If these acts of our Government were offered in evidence by Great Britain before such a tribunal, in so far as they were mere offers of compromise, they might be properly rejected. But this is not our position. We are not now before such a tribunal, and these references are not made in a spirit adverse to our claims. We are here in the Senate of the United States, the representatives of one of the parties to this controversy. We are conferring among ourselves as to the extent to which it is right and proper to assert our claims to this territory. In such a position, looking to the duties which this assertion of claim will impose upon us, there is a peculiar propriety in considering what has been done by our predecessors in this matter, for our own instruction and guidance, in ascertaining what they have done, and the grounds on which they have

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acted. And I submit to the Senate that it is neither fit nor proper for us, on light or trivial reasons, to abandon a position which they have assumed and uniformly acted upon, if such a position shall be found. National consistency in the assertion of our rights is quite as important to national character as the propensity to assert them by force. If such a position shall be found, a departure from it will subject us to the imputation of inconsistency, and our justification must consist in arraighing the intelligence or the patriotism of those who have gone before us. It is to be considered that we are, and that they were, representatives of one and the same Government, by which the acts were done to which I am about to refer. Official incumbents change, but Government remains the same. In pronouncing the eulogy of a deceased monarch, Chateaubriand availed himself of the opportunity to hail the accession of his successor. He said, "The king is dead, let the nation mourn: the king lives, let the nation rejoice. The king is dead, the king lives—long live the king." He thus illustrated the perpetuity of the office, however temporary the incumbency of the person who occupied it. The principle and its illustration are applicable to all settled Governments. In its application to our own, and to the subject under discussion, it authorizes the position that, if we have heretofore, of our own accord, limited our claim in our peaceful efforts to obtain it, we cannot now grasp the whole by force, without subjecting this Government, in the eyes of the world, to the imputation of inconsistency, or without arraighing the intelligence or the patriotism of those who have heretofore administered it.

This is the first answer to the objection of the Senator. The second is, that the acts of our Government, to which I am about to refer, will not, I think, be found on examination to have been mere *offers of compromise*, but precise and positive specifications of the claim which we asserted. That, however, is to be determined by "an inspection of the record," which I will proceed to present.

The Senate will do me the favor to recollect that the first position which I have stated is, that, from the earliest stage of this controversy down to a very recent period, we have ourselves, and of our own accord, affixed a limit to our claim beyond which we have not denied that of Great Britain.

Now, sir, without going through all the various negotiations, it will suffice for my present purpose to ask the attention of the Senate to two or three documents, which I think have not hitherto attracted the notice to which they are entitled. The first to which I will refer is an extract of a letter from the then Secretary of State to Messrs. Gallatin and Rush, our negotiators, bearing date July 28, 1818, which will be found in the 4th volume of State Papers, connected with our foreign relations, p. 377. It will be seen by a perusal of this extract that our Government did not at that time contemplate a claim north of the 49th parallel, while they exhibited the liveliest apprehension of the intention of the British Government to encroach upon that parallel, "south of which (the Secretary says) they can have no valid claim upon this continent." Here is the extract:

"The new pretension, however, of disputing our title to the settlement at the mouth of the Columbia river, either indicates a design on their part to *encroach by new establishments of their own* upon the 49th parallel of latitude, *south of which they can have no valid claim upon this continent*; or it manifests a jealousy of the United States, a desire to check the progress of our settlement, of which it might have been supposed that experience would before this day have relieved them. Their projects for the line, both in the negotiation of Messrs. Monroe and Pinkney in 1806, and at Ghent in 1814, were to take the 49th parallel of latitude, from the Lake of the Woods west, as far as the territories of the United States extend in that direction, with a caveat against its extension to the South Sea or beyond the Stony Mountains. Upon which two observations are to be made; first, that it is uncertain whether any part of the Lake of the Woods is in latitude forty-nine; and, secondly, that they always affected to apply the indefinite limit of extension, 'as far as the territories extend,' to the territories of the United States and not to those of Great Britain, *leaving a nest-egg for future pretensions on their part south of latitude forty-nine*. The counter-projects for the line on our part, therefore, at both these negotiations, were from the northwest corner of the Lake of the Woods, the point already fixed and undisputed, a line north or south, as the case may be, to the forty-ninth parallel of latitude, and thence

along that parallel as far as the territories of both parties extend in that direction, and adopting the caveat against extension to the Pacific, or beyond the Stony Mountains."

It will be seen, on the perusal of this extract, to what portion of the Oregon territory the claim of the United States was then considered to extend—concerning what portion of the territory the apprehensions of the Secretary were excited by the disposition to encroachment manifested by the British Government; *that he limits his denial of the validity of their claims on this continent to that portion which lies south of the 49th parallel*, for the purpose of asserting future pretensions to which, he supposes them to have left "a nest-egg." Nothing in this extract, then, looks to an extension of the claim of the United States north of that parallel.

Mr. JARNAGIN. What is the date of that letter?

Mr. BERRIEN. Its date, as I have said, is in 1818.

I have already said that the limitation of our claim by our own Government was not always presented in the form of an offer of compromise, but as a specification of limits. The next reference I have to make may be considered of the first kind. That which will follow will be seen to be of the second. I refer now to an extract of a letter from Messrs. Gallatin and Rush to the Secretary of State, dated October 20, 1818, which will be found in the same volume, page 381. In this extract they say:

"This subject (the Columbia river) was, during the whole negotiation, connected by the British Plenipotentiaries with that of the boundary line. They appeared altogether unwilling to agree to this in any shape, unless some arrangement was made with respect to the country westward of the Stony Mountains. This induced us to propose an extension of the boundary line due west to the Pacific Ocean. We did not assert that the United States had a perfect right to that country, but insisted that *their claim was at least good against Great Britain*. The forty-ninth parallel had, in pursuance of the treaty of Utrecht, been fixed indefinitely as the line between the northern British possessions and those of France, including Louisiana, now a part of our territories. *There was no reason why, if the two countries extended their claims westward, the same line should not be continued to the Pacific Ocean.*"

Now, here is a statement of the proposal made by our Ministers to extend the boundary line between the United States and Great Britain, east of the Rocky Mountains, westwardly to the Pacific Ocean; *that is, along the forty-ninth parallel*, thereby abandoning all claim to territory north of that parallel—to which, as well as that south of it, it is now said we have a clear and undoubted title. We did not think so then, for our negotiators say that, *in claiming the territory south of that parallel*, they "did not assert that the United States had a perfect right" to it, but "that their claim was at least good against Great Britain." Again, after adverting to the fact that the 49th parallel east of the Rocky Mountains is the boundary between the United States and Great Britain, they say, if the two countries extended their claims westward, "*there was no reason why the same line should not be continued to the Pacific Ocean.*" *No reason why?* Certainly there was abundant reason, if we had a clear and unquestionable title to the territory north of that line to 54° 40'.

This proposal, by referring to article B, page 384 of the same volume, will be found to have been presented in these words:

"It is agreed that a line drawn due north or south, as the case may require, from the northwestern point of the Lake of the Woods, until it shall intersect the *forty-ninth parallel of north latitude*, and, from the point of such intersection, due west, along and with the said parallel, shall be the line of demarcation between the territories of the United States and those of his Britannic Majesty to the westward of the said lake; and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of his Britannic Majesty's said territory, from the said lake to the Pacific Ocean; it being, however, distinctly understood, that, with respect to the territories situated on the northwest coast of America, or westward of the Stony Mountains, the two high contracting parties hereby intend to define their respective claims: so far only as relates to the two parties, and without reference to the claims of any other nation."

Mr. BREES inquired if the extract read referred to a period before we acquired the Spanish title?

Mr. BERRIEN. It does, and I have so stated. I have not overlooked that fact; and it is my purpose, as soon as I have finished the references which I propose to submit, to consider how far that circumstance affects the view which I am taking. At present I pursue the course of remark which I had prescribed to myself.

Now, sir, here is the proposal in form, submitted by our Plenipotentiaries, to make the 49th parallel the boundary between the United States and Great Britain in its whole extent to the Pacific Ocean; and, of course, to *abandon all territory north of that line*. But this is not all. The proposal is not submitted as one of mere compromise, in assenting to which something would be to be yielded by Great Britain. No; it is an assertion of *strict right*; for the American Plenipotentiaries, in proposing to enter into such an agreement, required it to be "distinctly understood" that the parties thereby "intend to *define the extent* of their respective claims." They add, that this was only between themselves, and was not to affect the claims of other nations—an unnecessary, and, as to the purpose of this argument, an unmeaning qualification, because they had no power to bind other nations by their agreement, and because it leaves the proposal to operate without qualification as between themselves; as an official declaration on the part of the American to the British Plenipotentiaries, which *they required to be distinctly understood, as defining the claim of the United States to the territories on the northwest coast, as extending it to, and limiting it by, the 49th parallel of north latitude.*

Thus they guarded against the "nest-egg" which had excited the apprehensions of the Secretary of State, and, by *defining their claim, and requiring it to be distinctly understood*, manifested their determination in advance to resist any "future pretensions" on the part of Great Britain to territory *south of that line*.

This proposal not being accepted, the British Plenipotentiaries on their part submitted a proposition to prevent disputes, by which it would be provided that so much of the territory as lies between the 45th and 49th parallels of latitude, together with its harbors, bays, &c., and the navigation of all the rivers, shall be free and open to the subjects and citizens of the two States, with certain other provisions similar to some of those which, by the convention of 1818, were subsequently extended to the whole territory. I refer to this without reading it, because it is the answer of the American Plenipotentiaries which is alone important to the inquiry I am pursuing. The document, however, will be found, marked article B, in the same volume, p. 391.

Now, let me refer the Senate to the answer of our Plenipotentiaries to this proposal, which was to subject to joint occupancy, or, as they expressed it, "to throw into a common stock," a part of the territory south of latitude forty-nine. This answer will be found in the same volume, p. 392—its title "Boundary." It is in these words:

"That portion of the article (the British proposal) which relates to the country west of the Stony Mountains, cannot be agreed to in its present shape. The American Plenipotentiaries cannot consent to *throw into a common stock that part only of the country to which the United States deny the claim of Great Britain*, and which lies within the same latitudes as their territories east of the Stony Mountains; thus also implying the exclusion of their citizens from the trade of the northwest coast of America, (north of 49,) which they have enjoyed without interruption for a number of years, and as early as the British."

This answer is conveyed in an unofficial note, which is stated to have been drawn up for the purpose of possessing the British Plenipotentiaries of some of the views of the American Plenipotentiaries before the next meeting, &c. And now, sir, what are those views? The British Plenipotentiaries had proposed an agreement for the *joint occupancy of a portion of the territory, south of forty-nine*. The American Plenipotentiaries answer, no. We cannot agree to that; it would be *to throw into common stock the only part of the country to which we deny your claim*, and imply an exclusion of our citizens from the right to trade in the remainder. They propose to extend the joint occupancy to the whole territory, and submit a proposal which, with some modifications, was ultimately adopted, and constitutes part of the convention of 1818.

And now, sir, as to the matter suggested by the Senator from Illinois, (Mr. BAKER,) which, in the order I had prescribed to myself, I had proposed at this stage of the argument to consider. These limitations of our claim were made before the Florida treaty had transferred to us "the rights, claims, and pretensions" of Spain. Does that fact diminish the force of the argument I have presented to the Senate? I apprehend not. The answers to the suggestion are twofold, and have, I doubt not, occurred to those who hear me.

1. We were already, at the time when we so limited our claim, in possession of the French claim, and of our own, founded on the discovery and exploration of Gray, and the exploration of Clarke and Lewis. The former, or French claim, is considered by some Senators as the most valid which we now possess, and was urged by our Plenipotentiaries in the negotiation which we have been examining. The latter, founded on the discovery and exploration of the Columbia, has been always confidently relied upon by our Government. Both of them extended far beyond the 49th parallel. The head-waters of the Columbia were very little south of the Russian boundary; and as to the French claim, if it could be maintained, and if the treaty of Utrecht was not executed, as is asserted, it was difficult to limit it, if we had not done so by our treaty with Russia, which was not then in existence. Notwithstanding this, our Government thought it right to limit our claim, as we have seen.

2. The second answer is yet more decisive. In the interval between 1818 and 1824, we acquired the Spanish title by the Florida treaty; and yet this same limitation was continued, and reiterated in 1824, 1826, and in 1845. I do not trouble the Senate with reading the documents to prove this, but content myself with referring to them.

The offer of our Government in 1824, conforming to this limitation, will be found in Ex. doc. 1825-'6, doc. 65, p. 12.

Mr. Adams authorized Mr. Rush to limit the claim to 49°, and he did so.—*Ib.* p. 24.

In 1826, this offer was renewed by Mr. Gallatin with an addition.—*State papers*, 1827-'8, doc. 199, p. 44.

The proposition in 1845 is before us.

Mr. President, I suppose I have now established my first proposition, which was, that from the earliest stage of this controversy down to a very recent period, we have ourselves, and of our own accord, affixed a limit to our claim, beyond which we have not denied that of Great Britain.

* I proceed to the consideration of the second, which was, that—

2. Our several claims, whether derived from France or Spain, from our own discovery, or from contiguity, all concur to recommend the limit so adopted by our predecessors as a general basis on which this controversy may be equitably and honorably adjusted.

Our several claims to territory on the northwest coast are derived—

1. From *contiguity*.—I hear it said that, however this may be urged as suggesting a convenient mode of adjustment, yet it cannot be relied upon as a source of title; that there is no philosophy in the principle which it asserts. I do not concur in this opinion. On the contrary, as applied to a question such as that we are considering, the right to occupy vacant, unappropriated territory, it is, in my judgment, the strongest source of title. If we were, in point of fact, so pent up on the eastern side of the Rocky Mountains as to be under the necessity of seeking an outlet for our superabundant population by passing into these western wilds, the course, the path of emigration for us, would naturally be over our own boundary, instead of ascending into the territory of Great Britain to pass over theirs. American citizens and British subjects would thus limit themselves by their boundary east of the mountains, in their entrance into the new territory; and why should they not continue to respect the boundary thus established by the circumstances of their migration? It would seem reasonable that they should do so; and right reason cannot be inconsistent with true philosophy. At any rate, so far as *contiguity* may constitute a claim, to be matured into title, it recommends the limitation adopted by our predecessors.

2. From the *discovery and exploration of the Columbia* by Gray, and the exploration by Lewis and Clarke.—I do not think this claim invalidated by the fact that Gray was a private citizen, pursuing his own adventures, and not acting under the authority of his Government. He was an American citizen. The flag of the United States floated over his vessel. The protection of his country accompanied him in all his lawful pursuits. Discovery gave rights. To whom did these enure? To him as an individual, or to his country? I think there can be no hesitation in saying to the latter.

Nor do I suppose that the value of the settlement made at the mouth of the Columbia is destroyed by the fact that many, it may be most, of the company making it were foreigners. It suffices that it was a company formed in the United States; that it had its origin in American enterprise; its shipments were from the United States, and there the returns of its adventures were to be made; that it was sustained by American capital; that he who planned it, directed it, and sustained it, was an American citizen, and that so also was its chief agent; and, finally, that the settlement made by that company, captured during the war by Great Britain, was, in the terms of the treaty of peace, restored as an American post.

I take it for granted, then, that the discovery of the mouth of the Columbia by Gray, its exploration from its source to its mouth by Lewis and Clarke, and the settlements made on its banks, gave such a title as can be given by the discovery and exploration of a river in a voyage made under the authority of Government. Then comes the question, what is the extent of territory which may be so claimed? The usage of nations would extend it to the valley of the river through which it flows, perhaps ascending to its source. This would give us but a comparatively small territory on the Pacific, if the face of the country be correctly represented by the various maps; for, between the Columbia and the Pacific, there intervenes a long range of mountains, which limit the valley of the Columbia, and on their western side appear to form the eastern boundary of another valley, through which Frazer's river empties itself into the ocean. However clear, therefore, the title which the discovery and exploration of the Columbia and settlement on its banks might give, the extent of the territory so acquired would be a mooted question. It may be that these considerations, and, if not, others which were deemed sufficiently important, induced our Secretary to direct the American Plenipotentiary to limit our claim as derived from this source to the 49th parallel; and he did so limit it, thus strengthening it by connecting it with the principle of contiguity, and making it coincide with the limit indicated by our other claims.

3. From the *French claim*.—I hear it said on this floor that this is to be considered as our strongest claim. I do not think so. I suppose, *argumenti gratia*, that the 10th article of the treaty of Utrecht was executed by the appointment of commissaries, who did within the year what they were required to do, namely, "determine the limit between the bay of Hudson and the places appertaining to the French;" and further, as Mr. Monroe writes, that they "fixed the northern boundary of Canada and Louisiana by a line beginning on the Atlantic, at a cape or promontory in 58° 30' north latitude; thence southwest to Lake Mistissin; thence further southwest to latitude 49° north, and along that line indefinitely"—all which is disputed, and concerning which the purpose of this argument does not require me to express any opinion. Still, conceding all this, it is to be observed—

1. That the term "indefinitely" must be interpreted so far west as the territories of the parties extended, for beyond this they could not stipulate. Neither Great Britain nor France had territories west of the Rocky Mountains. They had both made grants to the Pacific by virtue of their settlements on the Atlantic, claiming that they were authorized to extend these across the continent; but the common sense of mankind, they themselves acquiescing, has placed this pretension on the same platform with the title of Spain and Portugal under the bull of the Pope, whether this was viewed as an act of God's vicegerent on earth, or, according to a more modern and fanciful interpretation, as a treaty between Spain and Portugal by the intermediation of his Holiness.

2. It has been sometimes supposed that France could make a claim to the Pacific,

by giving western extent to Louisiana; but this could not be. She claimed Louisiana by virtue of her exploration of the Mississippi, and the establishment of posts and settlements on its banks; and this necessarily limited her claim to the valley of the Mississippi—of course terminating on this side of the Rocky Mountains. It was so limited by France herself. In the charter to Crozat, (an extract of which is in Mr. Greenhow's book, which I have found a very useful work,) "all the territories by us (France) possessed, and bounded by New Mexico, and by those of the English in Carolina, all the establishments, ports, harbors, rivers, and especially the port and harbor of Dauphin Island, formerly called Massacre Island, the river St. Louis, formerly called Mississippi, from the sea-shore to the Illinois, together with the river St. Philip, formerly called the Missouri, and the St. Jerome, formerly called the Wabash, (the Ohio,) with all the countries, territories, lakes in the land, and the rivers emptying directly or indirectly into that part of the river St. Louis"—all the said territories were declared to be comprised under the name of the government of Louisiana.—*Greenhow*, 277.

Even, however, if the limits of Louisiana could have been carried to the Pacific, and if the line contemplated by the treaty of Utrecht had been determined, as Mr. Monroe says it was, still it would not carry our claim to Oregon beyond the 49th parallel; for that, in such event, would be the southern boundary of "the bay of Hudson." Thus, if any claim can be deduced under France, it would have the limit heretofore adopted by our Government.

4. Now as to the *Spanish claim*.—It is not necessary to the purpose of this inquiry that I should enter into a minute examination of this claim. It is admitted that Spain claimed by virtue of discovery as far north as 61°. It is equally certain that this claim was denied by other nations, who asserted their right to settle on any part of the coast which was not actually occupied by her. These conflicting claims as between Great Britain and Spain led to those occurrences at Nootka which terminated in the treaty bearing that name, which seems to me to be of no other importance in this inquiry than as the recorded evidence of the successful resistance by Great Britain to the pretensions of Spain. It did not give Great Britain the right to settle on those parts of the northwest coast which were unoccupied, but it acknowledged the absence of right in Spain to prevent such settlements in all those parts of the coast in which she had not perfected her right, founded on discovery, by subsequent occupation and settlement. It was not the grant of a right, but the recognition of a fact, and of the consequence which under the law of nations resulted from it; and this was a fixed fact which no subsequent change in the relations of the parties could alter or annul. Spain seems so to have considered it, by shortly after the treaty abandoning her settlements north of California, more than twenty years before her "rights, claims, and pretensions," were transferred to us. But if the claim of Spain be carried up to Nootka Sound, which is the most northward settlement she made at any time, that is, in latitude 49° 30' north, and therefore very nearly concurs with the limit which those who have preceded us in this Government have affixed to the claim of the United States, looking to all the various sources from which it is derived.

Mr. President, I have thus endeavored to support the two propositions which I submitted to the Senate. The conclusion to which this inquiry has conducted me presses upon my mind, with a force which I cannot resist, the conviction that it is the imperative duty of the Governments both of Great Britain and the United States to adjust this controversy peaceably, equitably, in the spirit of compromise.

The remaining inquiry is, Will this notice, in either form, facilitate that result? This is the question which presents the real difficulty in this discussion. In my efforts to solve it for my own guidance I have considered—

1. What is the position in which we shall be placed twelve months after this notice is given, if in the mean time the controversy is not settled by negotiation, or in some other amicable mode?

The President tells us, in the message which asks for the authority to give this notice, that we shall then have arrived at a point when we must assert and maintain our rights, or determine to abandon them: that is, as I understand it, that we

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must take possession of the country, exercise exclusive jurisdiction over it, and require the British subjects whom we find there to transfer their allegiance to us, or expel them from the territory. I think this is the unavoidable consequence of the step which it is proposed to us now to take; and, having taken it, I do not perceive how we can recede from it, without the imputation of having avowed a determination which we had not the spirit or the means to carry into effect.

This will be rendered the more incumbent, because, at the instant of the termination of the convention, the British possession, which is now our possession also, *will then become adverse*, and will commence to run against us; and, if permitted to continue, will give them a title which we may not thereafter dispute. As I think no one who hears me believes that Great Britain will voluntarily abandon her possession, the expulsion must be by force, and the act of aggression ours.

2. Our position will be changed, and new duties will be imposed upon us, from the moment the notice is given. Are we to remain inactive after notifying to Great Britain our determination to annul this convention? We hope that a compromise will be effected: if it is not, we know that war must be the consequence. Do we mean that the expiration of the term of notice shall find this country in its present defenceless condition? Having announced to Great Britain our determination then to assert, peaceably or forcibly, according as she yields or resists, our claim to the whole territory; knowing that she has already put on her armor, and is even now in a complete state of preparation, do we mean to suffer the intervening period to be passed in inaction? I trust not. However strong our hopes of compromise may be, it will not be considered prudent, in reliance upon them, to abstain from putting the country in a state of defence. The spectacle of our inactivity, and consequent inability to execute our purposes, will not tend to realize our hopes. If Great Britain is to be operated upon by this notice; if, as gentlemen suppose, it is to stimulate her to renewed efforts for the adjustment of this controversy, such a result could only be produced by showing that we are preparing for the alternative which the failure to compromise will present to us. Well, then, our preparations must commence immediately after giving the notice. We must at once begin the work of putting the country in a state of defence, and providing the financial resources which the occasion may require. Are gentlemen willing to do this? Are they willing to vote for the expenditure of the millions which will be necessary for that purpose? If not now, how long will they wait in expectation of compromise before they begin?

The advocates for this notice may be divided into two classes: 1. Those who believe our title to the whole territory is unquestionable, who are unwilling to yield any portion of it by compromise, and who are in favor of notice, because it will place them in a position to assert our rights by force if Great Britain does not yield them. Their course is intelligible to me. I can understand why they should advocate this measure.

2. That of the other class is not so obvious to me. They are desirous of compromise, and believe that this notice will tend to produce it. This belief is with them so strong that they are willing, in reliance upon it, to hazard the consequences which must inevitably attend a failure.

Will this notice facilitate adjustment? It is said that both parties, seeing the necessity of settling the controversy within the time limited, will resume the negotiation with a determination to bring it to a successful issue, looking to the consequences of their failure to do so. The proposition is, that the negotiation will be speeded by a fear of these consequences; that the certainty of the collision which will result at the expiration of the twelve months, if the question is not amicably settled, will quicken the movements of the negotiators. Will it produce this effect upon our own Government? Will it excite their fears and prompt them to measures of conciliation, which they would not otherwise propose? If not, how is it likely to stimulate the Government of Great Britain? I see no just ground to hope that it can have any conciliatory influence.

Who will take the first step? The intercourse of diplomatists is even more fastidious than that of individuals, and the latter is sufficiently so. The state of

the negotiation is embarrassing. Each party has made and rejected an offer, but ours, which was latest, was instantly withdrawn. After this came the offer of arbitration, in a note remarkable for its conciliatory spirit. That, too, was rejected, under circumstances which, even if rejection had been necessary, I could wish had been different. Thus the affair stands as between the negotiators. The declaration of Sir Robert Peel, in the British Parliament, the only mode of communication perhaps which was left to him, considering the withdrawal of our offers, and the note which accompanied it, may be considered as an advance. Will our Government, then, in consequence of this intimation, take the first step? And, if so, why not without this notice? If, of two individuals engaged in a controversy, one says to the other simply, "here is a proposal for the adjustment of our dispute"—it is received, considered, and decided on its merits; but, if he adds, "if you do not accept this in a prescribed time, look to the consequences," the proposal is rejected, and the consequences defied.

Will the British Government take the first step after this notice is given? They will have before them the message of the President, distinctly indicating a determination to take possession of the whole territory as soon as the notice expires. They will recur to their own rejected offer, to the withdrawal of ours, to the rejection, also, of their offer of arbitration. He who calculates upon a movement from Great Britain under such circumstances, must, it seems to me, rely upon her acting under the influence of fear. He cannot expect to produce by it a spirit of conciliation. Let us change places with the British Government in this controversy, and judge what they will do, by considering what we would do ourselves. The right to give this notice, I presume, rests with the Queen, as the sole depositary of the treaty-making power. It is not, therefore, probable that Parliament will interfere in advance. But, for the sake of the illustration, suppose a joint resolution, similar to the one under consideration, had been adopted by the Lords and Commons, and had been approved by the Queen, and that, in its progress through the two Houses of Parliament, it had produced such a debate as has, in fact, occurred here; that we had been the objects of denunciation and menace—would it have alarmed the fears, or would it have excited the indignation of the American Government and people? Would it have increased your disposition to conciliation? I think no one who hears me will answer this last question affirmatively. Whatever other feeling it might have excited, it would not have rendered us more placable, more disposed to yield a point in controversy. The British Government is conducted by men having like feelings and passions as ourselves, sharing with us the infirmities of our common nature. In the face of denunciation and menace, will they come to us with renewed offers of conciliation and peace? Do we hope to operate upon their fears? Or do we attribute to them a magnanimity which will prompt them to overlook every other consideration in their desire to manifest a spirit of conciliation? Sir, this resolution, based as it is on the message of the President, is a distinct intimation to Great Britain that this matter must be settled, and in a manner which will be acceptable to us, within the twelvemonth, or that, at the expiration of that time, we will take forcible possession of the whole country. Her forbearance and love of peace must be much greater than that which we shall manifest in passing it, or she will put us to the alternative which we indicate perhaps much soon than we require.

As an inducement to authorize this notice, we are told that the views of the President are pacific—that he desires to possess the authority merely as a *moral* weapon, by the use of which he will give peace to the country, without yielding its rights or sacrificing its honor. Notwithstanding his reiterated declarations that Great Britain has no claim to any portion of Oregon—that our right to the whole is unquestionable—that it cannot be abandoned without a sacrifice of national interest and national honor, still the Senator from North Carolina (Mr. HAYWOOD) tells us the President is waiting at the open door of his Cabinet, ready to adjust this controversy, and to preserve the peace of the country. How? By doing what he has himself said would be a sacrifice of our interest and our honor—by dividing, in the spirit of compromise, what he has himself declared to be impartible? Sir, even

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with the aid of the Senator's optics, I cannot see him there. If these things were true, I would be sorry to do so.

But these assurances of the Senator from North Carolina are as stoutly denied, as they are confidently made, by the Senators from Ohio, Indiana, and Illinois, (Messrs. ALLEN, HANNEGAN, and BREES.) If gentlemen have any peculiar means of ascertaining the views of the President, of these, of course, I cannot speak. If they rely exclusively on the documents before us, then their respective inferences are open to observation; and I am constrained to say that, while the remarks of the Senator from North Carolina were gratifying to me in so far as they were expressive of his own patriotic and peaceful views and feelings, the argument in relation to the views of the President, as these are to be inferred from his message, in my judgment is clearly with his opponents. Why, sir, after a narrative of the recent negotiation, the President, as if he deemed it necessary to apologize for the attempt which he had made to adjust it, by yielding a portion of the territory, tells us that, in deference to the opinions of his predecessors, in consideration that propositions of compromise had been thrice made by them, and that the pending negotiation had been commenced in the spirit of compromise, he deemed it to be his duty "not abruptly to break it off." There was nothing in these considerations which required a prolonged effort for adjustment. The negotiation might be broken off, but not "abruptly." I confess, sir, this seems to me rather an inauspicious opening to the announcement of pacific intentions. The President proceeds to put beyond the pale of negotiation one of the points in controversy, by expressing in strong terms his unwillingness to concede to a foreign Power "the free navigation of any of our rivers, through the heart of our country;" and then tells us that the demands of Great Britain were so extraordinary and so wholly inadmissible, as, with the rejection of his proposal, afforded "satisfactory evidence that no compromise which the United States ought to accept can be effected;" that "with this conviction," he had withdrawn the offer which he had made, "asserted our title to the whole Oregon territory," and maintained it by "irrefragable facts and arguments."

In this state of things, the negotiation having failed and been broken off, the President appeals to the civilized world to relieve us from the responsibility of its failure; and then, reiterating the declaration that all attempts at compromise had failed, he turns to Congress, and calls upon them to consider what measures are proper for the protection of our citizens, "and for the maintenance of our just title to that territory." While the notice is running to maturity, he very properly advises that the stipulations of the convention of 1818 should not be violated. But all things have an end; and when the year has expired, he tells us that "we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained." He adds, what all will admit, that in such a state of things they cannot be abandoned. The alternative is, that they must be firmly, if need be, forcibly, maintained. And to this alternative this notice is to bring us.

Add to this the following declaration in the same message:

"Existing rights of every European nation should be respected; but it is due alike to our safety, and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent."

He had previously declared "that the British pretensions of title could not be maintained to any portion of Oregon;" that the whole of Oregon was ours. They, consequently, have no "existing rights" there which are to be respected, and fall therefore within the sweeping inhibition to plant a colony on that part of this continent.

Now, if any Senator can perceive, in the views and opinions thus declared and expressed, any thing which looks to the peaceful adjustment of this controversy, he has keener optics and a livelier imagination than I can boast. No, sir; if the President may be allowed to speak for himself, he is not waiting in peaceful mood at the open door of his Cabinet. He is here, in this chamber, bearing the insignia of his

office, sternly asserting the right of the United States to the whole territory of Oregon, and calling upon us to furnish him with the means of maintaining it.

The Senator from South Carolina (Mr. CALHOUN) concurring in the view which I have taken of the President's message, at least to this extent, that it indicates no disposition to compromise this controversy, thinks nevertheless that his views may have changed in consequence of the development of public opinion here and on the other side of the Atlantic, and that there may be less objection now than heretofore, in giving this notice in a modified form. But if this be so, ought we to be kept in ignorance of it? To be left to rumor, or to decide between the conflicting opinions of the political friends of the President in this chamber? If he recommended this notice upon a state of facts which no longer exists, and under the influence of views which he has ceased to entertain, ought the measure now to be pressed upon us? If it is, should that incline any Senator to yield his objections to, and vote for it? The Senator from South Carolina is too good a logician not to see that these premises do not lead to this conclusion. If the motive which induced the recommendation of the President no longer exists, that is a reason why the recommendation should be withdrawn or not pressed. *Cessante ratione, cessat et postulatum.* But, surely, it can afford no inducement to those who have been all along opposed to it, to relinquish that opposition. For myself, I have not seen the evidence of this change; and, if it could legitimately influence my vote, I do not think that rumor or conjecture as to the views of the President is a sufficient ground for the action of the Senate of the United States. We have had a host of rumors during the pendency of this discussion here and in the House of Representatives, and some of them have appeared very opportunely, but they have passed away with the occasion which they served. If we should authorize this notice, relying upon the change which is alleged to have taken place in the views of the President, and his disposition to use it as a *moral* weapon, which the Senator from North Carolina supposes he will do, if in the event it should appear that he retains all his opinions unchanged, and that his sense of duty impels him to use it for the purpose for which he originally recommended it, to put us as speedily as possible in a condition for the firm and forcible maintenance of our right to the whole of Oregon, what have we to say? Shall we tell him he has perverted the authority we have given to a purpose for which we did not give it; and may he not refer us to his official and unchanged expression of his views and opinions, as the only evidence of them which he had authenticated?—the only one to which we had a right to refer?

Sir, I desire earnestly to see this controversy adjusted, as I believe it may, and ought to be, honorably to both parties, and consistently with the rights of the United States. If any man can show me that the proposed notice, either in its naked or in its modified form, will conduce to that result, I will willingly vote for it. That evidence has, however, not yet been afforded me. Meantime, I can cheerfully vote for the amendment proposed by my colleague. If notice must be given, this may serve to divest it of some of its noxious influence. For the rest, I hold myself open to conviction, and will give my vote according to my best judgment of what the interest and the honor of the country, and the obligations which rest upon us as an enlightened and Christian people, may demand. My own judgment, I confess, is, that all those considerations unite to recommend a postponement of the further consideration of the subject, to some day in the present session, which would afford an opportunity for the renewal of the negotiation unincumbered by this notice, and under the favorable influences produced by the manifestation of public opinion, both here and in Great Britain; and which would yet leave us time before our adjournment to make such provision, in the event of its failure, as the occasion would require. But I submit no motion on this subject. I content myself with having presented my views to the Senate, and will not further prolong this discussion. I feel deeply the importance of the occasion, and have earnestly desired to discharge my duty to the country, and especially to my own constituents, to whom this question is so full of interest—to discharge it faithfully, fearlessly, yet with perfect respect and good will to those who differ from me.

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